

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1 – 16 and 47 - 48 are pending, of which claims 1, 3, 4, 8, 10, 12 and 15 have been amended. The amendments to claims 1, 3, 4, 8, 10, 12 and 15 are submitted simply to provide clarification and/or to correct informalities noted by the Applicant, and are not to overcome prior art or any other objections. Support for the amendments can be found in the specification at least at paragraph [0031], paragraph [0004], paragraph [0041] and Fig. 2.

During an interview of April 4, 2008 the examiner suggested that certain limitations be added to claim 1 to distinguish over the cited art by clarifying that assemblies include files. Applicant extends its appreciation for the courtesy and cooperation shown to the Applicant's undersigned representative during the interview. Further, in view of the discussion held during the interview, Applicant has amended claim 1 to include this recitations to distinguish the claims over the Wehrend and Bromley references.

35 U.S.C. §112 Claim Rejections

Claim 16 is rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for not providing an antecedent basis for "a call" (*Office Action* p.2). Applicant respectfully traverses the rejection. Claim 16 is dependent on claim 1, which in its second paragraph recites "means for making a call." Accordingly, applicant respectfully requests that the §112 rejection be withdrawn.

35 U.S.C. §103 Claim Rejections

A. Claims 1-5, 14 and 16 are rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Patent No. 6,614,782 to Wehrend et al. (hereinafter, “Wehrend”), in view of U.S. Patent No. 7,266,677 to Bromley et al. (hereinafter, “Bromley”) (*Office Action* p. 3).

B. Claim 6 is rejected under 35 U.S.C. §103(a) for being unpatentable over Wehrend and Bromley in view of U.S. Patent No. 4,430,699 to Segarra et al. (hereinafter, “Segarra”) (*Office Action* p. 5).

C. Claims 7 and 15 are rejected under 35 U.S.C. §103(a) for being unpatentable over Wehrend and Bromley in view of applicants admitted prior art (*Office Action* p. 5).

D. Claims 8 and 9 are rejected under 35 U.S.C. §103(a) for being unpatentable over Wehrend and Bromley in view of U.S. Publication No. 2004/0059941 to Hardman et al. (hereinafter, “Hardman”) (*Office Action* p. 7).

E. Claims 10 - 12 are rejected under 35 U.S.C. §103(a) for being unpatentable over Wehrend and Bromley in view of U.S. Patent No. 6,076,167 to Borza et al. (hereinafter, “Borza”) (*Office Action* p. 8).

F. Claim 13 is rejected under 35 U.S.C. §103(a) for being unpatentable over Wehrend and Bromley in view of U.S. Patent No. 5,870,588 to Rompaey et al. (hereinafter, “Rompaey”) (*Office Action* p. 9).

Applicant respectfully traverses these rejections.

Amended Claim 1 recites:

An apparatus comprising:

virtual machine means, instantiated in managed code to execute within a runtime engine, for executing first and second assemblies of one or more files instantiated in the managed code;

means for making a call for access by the first assembly of one or more files instantiated in the managed code to the second assembly of one or more files instantiated in the managed code; and

means, based upon an identification (ID) for at least one of the first and second assembly of the one or more files, for determining access privileges of the first assembly of one or more files to the second assembly of one or more files.

Wehrend and/or Bromley do not teach or suggest the combination of feature(s) recited in claim 1. For example, Wehrend and/or Bromley do not teach or suggest “virtual machine means, instantiated in managed code to execute within a runtime engine, for executing first and second assemblies of one or more files instantiated in the managed code” (emphasis added) and “for determining access privileges of the first assembly of one or more files to the second assembly...”, as recited in claim 1.

Wehrend describes exchanging data packets between networks and applications of different LAN terminal units. Specifically the cited portion of Wehrend recites:

For the exchange of data packets DP between the local networks LAN1, LAN2 connected to the network coupling unit WAML and the communication network KN, an unambiguous identification or address --(i.e., one that is valid worldwide)-- is allocated to each LAN terminal unit AEL1, AEL2 or, respectively, to the LAN interface SL1, SL2 associated therewith. Since the applications that perform the data exchange--for example, a software module that includes a data exchange protocol--have settled at various levels of the OSI reference module, a number of identifications or addresses, valid at different levels of the OSI reference model, are assigned to a LAN terminal unit AEL1, AEL2.

In this way, an unambiguous LAN identification mac1, mac2 specific to the assembly is allocated to each LAN terminal unit AEL1, AEL2. The assembly-specific LAN identification mac1, mac2 includes a hardware address of an Ethernet LAN interface SL1, SL2 that has settled at layer 1 of the OSI reference model, and is respectively stored in a non-volatile memory PROM1, PROM2 arranged in the network coupling unit WAML. In addition, an unambiguous or, respectively, global logical network identification ipag1, 2 or, respectively, network address is allocated to each LAN terminal unit AEL1, AEL2. This address is 4 bytes long and represents an address of layer 3 of the OSI reference model; for example, an Internet protocol address. The logical network identification ipag1, ipag2 or, respectively, Internet protocol address identifies both the corresponding LAN terminal unit AEL1, AEL2 and the local network LAN1, LAN2 (or, respectively, sever/customer LAN or communication system-internal local network) connected with the LAN terminal unit AEL1, AEL2. The logical network identification ipag1, ipag2 or, respectively, Internet protocol address identifies both the corresponding LAN terminal unit AEL1, AEL2 and the local network LAN1, LAN2 --(connected with the LAN terminal unit AEL1, AEL2 --) or, respectively, server/customer LAN or communication system-internal local network. The logical network identification ipag1, ipag2 is respectively stored in a memory region SP1, SP2 of a volatile memory arranged in the network coupling unit WAML. In this exemplary embodiment, for both local networks LAN1, LAN2 connected via a LAN terminal unit AEL1, AEL2 with the network coupling unit WAML, a global Internet access is allowed via the public communication network KN which is likewise connected with the network coupling unit WAML; i.e., the logical network identifications ipag1, ipag2 allocated to the LAN terminal units AEL1, AEL2 are defined in such a way that they are unambiguous worldwide. (Col. 7, line 46 – Col. 8, line 26)

Further Wehrend describes checking address of data packets for permissibly. Specifically Wehrend recites:

The filter unit FWALL effects a security-related decoupling of the networks LAN1, LAN2, KN connected to the network coupling unit WAML. Through the filtering function in the filtering unit FWALL, both a data access from the first local network LAN1 (server/customer LAN) to the second communication system-internal local network LAN2 and a data access, via the ISDN-oriented communication network KN, to the two local networks

LAN 1, LAN2 are checked for authorization and are controlled. For other filter functions, both the source and the destination addresses, contained in the items of routing information of the data packets DP that are to be switched, are checked for permissibility --;-- also known as source and destination checking. During the checking of the source address, given a connection setup introduced via the public communication network KN, the call number of the calling communication terminal apparatus (subscriber authentication) is checked on the basis of a list having predefined authorized call numbers (not shown), wherein unauthorized connections via the public communication network KN are thus prevented. In addition, the logical network identification and/or the Ethernet LAN address of data packets DP coming in to a LAN terminal unit AEL1, AEL2 are checked. If the source address for the exchange of data via the network coupling unit WAML is authorized, the destination address contained in the routing information is checked according to the named criteria. (Column 9, lines 40 - 65)

However, the cited portions of Wehrend do not describe executing assemblies of files in managed code and determining access privileges of the first assembly of files to the second assembly, as recited in claim 1. Checking addresses in data packets is different from determining access privileges from an assembly of (managed) files.

Bromley describes using managed code, and converting managed code into native code. Specifically Bromley recites:

Another aspect in accordance of the present invention is the application modifier system further including a virtual code component. Virtual code component allows a user to design a generic application and/or managed code in which it can be deployed across a variety of operating environments regardless of the underlying platform. For example, the invention allows for a scalable architecture wherein a user can develop a generic application independent of the end-user display (e.g., monitor, touch-screen) or type of unit (e.g., CE hand-held, server, PC).

Additionally, the virtual code component further includes a code analyzer and a code generator. The code analyzer determines the managed code of a generic or user-end specific application. The code generator utilizes .NET virtual machine code-ability

mechanisms. .NET provides managed code to be converted into native computer assembly at runtime. Furthermore, the code generator can utilize .NET to morph application code into underlying platforms at runtime. (Column 3, lines 62 – Col. 4, line 3)

However, Bromley likewise does not describe executing assemblies of files instantiated in managed code and determining access privileges of the first assembly of files to the second assembly, as recited in claim 1.

Accordingly, claim 1 is allowable over the combination of Wehrend and Bromley for at least the reasons described above, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claims 2-16 are allowable by virtue of their dependency upon claim 1 (either directly or indirectly) for at least the same reasons set forth above regarding claim 1. Accordingly, the §103 rejection should be withdrawn. Additionally, some or all of claims 2-16 are allowable over the Wehrend-Bromley combination for independent reasons. For example:

Claim 3 recites the apparatus as defined in Claim 1, further comprising: execution engine means, in a native code portion, for executing the virtual machine means in runtime; and means, in a native code portion, for providing an operating system to be executed with the virtual machine means. However, neither Wehrend nor Bromley provide an execution engine for executing the virtual machine means in runtime.

Accordingly, claim 3 is allowable over the Wehrend-Bromley combination and the §103 rejection should be withdrawn.

New Claims

New claims 47 – 48, which are similar in scope to claims 1 and 3 but without “means for” language are presented for examination. Based on the above discussion regarding Wehrend and/or Bromley, claims 46 - 47 are also allowable.

Conclusion

Applicant respectfully submits that pending claims 1 – 16 and 47 - 48 are in condition for allowance, and Applicant respectfully requests issuance of the subject application. If any issues remain that preclude issuance of the application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: _____

5/21/08

By: _____



Steven C. Stewart
Reg. No. 33555
206-315-7909